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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventeenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Federated States of Micronesia

1. The Committee considered the initial report of the Federated States of Micronesia (CRC/C/28/Add.5) at its 440th to 441st meetings (see CRC/C/SR.440-441), held on 14 January 1998 and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report and its written answers to the list of issues. The Committee is encouraged by the frank, self-critical and cooperative tone of the report and of the dialogue. The Committee, however, notes with regret that the data in the report were not up to date. The Committee also regrets the fact that some questions remained unanswered. The Committee welcomes the commitment by the delegation to answer those questions in writing.

B. Positive aspects

3. The Committee takes note of the establishment in 1995 of the President's National Advisory Council for Children (PNACC), together with the state-level Advisory Councils for Children.

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* At the 453rd meeting, held on 23 January 1998.

4. The Committee notes the draft legislation on sexual abuse and exploitation of children which is presently before Congress.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee takes note of the particular nature of the Federation, its geographical configuration comprising 607 islands, the relatively small population composed of a number of different and isolated communities, as well as the changes in the economic structures.

D. Principal subjects of concern

6. The Committee is concerned that domestic legislation does not fully conform to the provisions and principles of the Convention. In particular, the Committee is concerned at the absence of legislation regulating child labour providing for a minimum age for employment, the absence of a clear definition of the minimum age for criminal responsibility, the low minimum age for sexual consent, the lack of harmonization between the different ages of sexual consent among the four states, and the lack of legislation on neglect, abuse and sexual exploitation. The Committee is also concerned at the possible conflicts between customary and statutory law, in particular for marriage and adoption.

7. The Committee is concerned that the National Plan of Action for Children (1995-2004) is still in draft form.

8. The Committee is concerned that insufficient attention has been paid to the provisions of article 4 of the Convention concerning budgetary allocations "to the maximum extent of available ... resources and, where needed, within the framework of international cooperation".

9. The Committee is concerned at the lack of an operational budget for the President's National Advisory Council for Children, its lack of human resources, and its unclear role in relation to the monitoring of all areas covered by the Convention and in relation to all groups of children.

10. The Committee is concerned by the disparities between the different states' legislation and practices. The Committee is also concerned by the insufficient coordination between the central level and the four federated states.

11. The Committee is concerned at the insufficient attention paid to systematic, comprehensive and disaggregated qualitative and quantitative data collection at the national, state and local levels, and to the identification of appropriate indicators and mechanisms to evaluate the progress and the impact of policies and measures adopted for all areas covered by the Convention, especially the most hidden such as child abuse or ill-treatment, but also in relation to all groups of children including girl children.

12. While recognizing the efforts of the State party to disseminate the Convention, the Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of

the Convention for both adults and children. The Committee remains concerned at the lack of adequate and systematic training for professional groups working with and for children.

13. The Committee is concerned at the lack of conformity of the birth registration system with article 7 of the Convention, as well as the lack of reliability of the death registration system.

14. The Committee is concerned at the fact that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles as contained in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, and in its policies and programmes relevant to children.

15. As regards the implementation of article 2, the Committee is particularly concerned at the insufficient measures adopted to ensure the full enjoyment by girl children of the rights recognized in the Convention. The Committee is concerned at the difference between boys and girls with regard to the minimum age of marriage, as well as the possibility for girls to marry at an earlier age than 16. The Committee is also concerned at the existence of a caste system, especially in Yap State, and its incompatibility with the provisions of article 2.

16. In the light of article 17 of the Convention, the Committee is concerned at the lack of appropriate measures to protect children from harmful effects of the print, electronic and audiovisual media, in particular violence and pornography.

17. While taking note of the efforts undertaken by the State party, such as the Child Abuse and Neglect Programme (CAN), the Committee is concerned at the insufficient awareness of and the lack of information on ill-treatment and abuse, including sexual abuse, both within and outside the family, at the absence of specific laws in all the states and of appropriate resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The lack of rehabilitation measures for such children and their limited access to justice are also matters of concern.

18. The Committee is concerned that both customary and statutory adoption, including intercountry adoption, do not conform fully with the principles and provisions of the Convention, in particular article 21.

19. While taking note of the positive results of the joint Chuuk State-UNICEF Vitamin A Deficiency and Vermox (VADV) Programme, the Committee is concerned at the prevalence of malnutrition and vitamin A deficiency in the State party, as well as the limited access to safe water and adequate sanitation. The Committee is also concerned at problems of adolescent health, in particular the high and increasing rate of early pregnancies, the lack of access by teenagers to reproductive health education and services, the insufficient preventive measures on HIV/AIDS, as well as the insufficient sexual education at school. While note is taken of the efforts of the State party, such as the existence in the four states of a telephone hotline, of

particular concern are the high rate of suicides among teenagers and the insufficiency of financial and human resources for its prevention. While taking note of such efforts of the State party as school and community-based education programmes, the Committee is concerned at the incidence of drug and alcohol abuse among youth, the insufficient legal framework, as well as the insufficient social and medical programmes or services to tackle those issues.

20. In the light of article 29, paragraph 1 of the Convention, the Committee is concerned that the school curriculum does not include education on the rights of the child. The insufficient leisure opportunities are also a matter of concern.

21. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention as well as other relevant standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. In particular, the Committee is concerned at the absence of a clear definition for minimum age of criminal responsibility, as well as the apparent absence of special legal procedures for juvenile offenders.

E. Suggestions and recommendations

22. The Committee recommends that the State party initiate a comprehensive review of existing legislation, both at the national and the state level, with a view to undertaking adequate legislative reforms to ensure full conformity of its legislation with the principles and provisions of the Convention. The Committee recommends that all appropriate measures be undertaken by the State party, including awareness-raising campaigns, to harmonize customary practices and law, such as those pertaining to marriage and adoption, with the principles and provisions of the Convention. In case of conflict between customary and statutory law, the principles of non-discrimination (art. 2) and of the best interests of the child (art. 3) should be the primary considerations. The Committee also suggests that the State party envisage the adoption of a specific code or legislation for children and adolescents, with a separate section on children who need special protection. International cooperation with, inter alia, the Office of the High Commissioner for Human Rights and UNICEF can be sought to this effect.

23. The Committee recommends that the National Plan of Action be enacted.

24. The Committee encourages the State party to accede to other major international human rights treaties, especially those related to children, including the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Discrimination against Women, and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

25. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure appropriate distribution of resources at all levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and where needed within the framework of international cooperation, as well as in the light of the principles of non-discrimination and of the best interests of the child (arts. 2 and 3).

26. The Committee recommends that the President's National Advisory Council for Children be provided with adequate financial and human resources in order to carry out its mandate and that its composition be broadened. The Committee encourages this body to develop further cooperation with non-governmental organizations. The Committee also stresses the need to strengthen the capacity of the Council to ensure coordination between all levels and to monitor and assess progress achieved and difficulties encountered in the realization of the rights recognized by the Convention, and in particular to monitor regularly the impact of economic transition on children.

27. The Committee further recommends that the State party begin to develop a comprehensive system of collecting disaggregated data in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups. The Committee strongly encourages the State party to seek to this effect international cooperation with, inter alia, UNICEF.

28. The Committee strongly encourages the State party to strengthen its efforts to make the principles and provisions of the Convention widely known by adults and children alike, in the light of article 42 of the Convention. It encourages the State party to further increase, through the print, electronic and audiovisual media, public awareness of the rights of the child and to try to incorporate the Convention as much as possible in the school curriculum. It also suggests that the State party pursue its efforts to develop appropriate material to further promote the Convention. The Committee suggests that the State party seek assistance from, inter alia, UNICEF and UNESCO, in this regard.

29. The Committee encourages the State party to continue its efforts in providing training to professional groups working with and for children. The Committee suggests that the State party seek assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.

30. In order to strengthen the partnership with all components of the civil society in implementing the Convention, the Committee strongly encourages the State party to strengthen its cooperation with non-governmental organizations.

31. The Committee recommends that the State party take all appropriate measures to improve birth registration in the light of article 7, as well as death registration.

32. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but are also appropriately reflected in any

judicial and administrative proceedings and in the development and implementation of all projects, programmes and services which have an impact on children. While noting existing legislation prohibiting discrimination, the Committee also emphasizes that the principle of non-discrimination, as provided under article 2 of the Convention, must be fully implemented, including with regard to the girl child, disparities between states and social status. In this regard, the Committee encourages the State party to send additional information on the caste system. The Committee wishes to encourage the State party to further develop a systematic approach to increasing public awareness of the participatory rights of children in the light of article 12 of the Convention.

33. The Committee recommends that the State party undertake a study with a view to adopting all measures, including legal ones, to protect children from harmful effects of the print, electronic and audiovisual media, in particular violence and pornography.

34. Taking into account the changes occurring in the institution of the "extended family", which provided children with an environment in which to discuss their problems, the Committee suggests that complementary initiatives be encouraged, such as youth peer counselling groups in schools, community-awareness programmes on youth problems, such as alcohol and suicide, and parental education programmes.

35. In the light of article 19 of the Convention, the Committee further recommends that the State party take all appropriate measures, including revision of legislation, to prevent and combat ill-treatment within, inter alia, the family and institutions, and sexual abuse of children. It suggests, inter alia, that the authorities initiate a comprehensive study on abuse, ill-treatment and domestic violence, to improve the understanding of the nature and the scope of the problem and strengthen social programmes to prevent all types of child abuses as well as to rehabilitate the child victims. Adequate procedures and mechanisms to deal with complaints of child ill-treatment should be developed.

36. The Committee recommends that the legislation on adoption as well as the practice of customary adoption be brought into conformity with the principles and the provisions of the Convention, in particular article 21.

37. The Committee suggests that the State party continue its efforts to combat malnutrition and vitamin A deficiency. The Committee also suggests that the State party promote adolescent health policies by strengthening reproductive health education and services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of the phenomenon of adolescent health problems, such as early pregnancies and suicide. The Committee also recommends that further efforts, both financial and human, such as the development of counselling services for both the adolescents and their families, be undertaken for the prevention and care of adolescents health problems and for the rehabilitation of victims.

38. In the light of article 31 of the Convention, the Committee recommends that the State party develop cultural, artistic, recreational and leisure activities at schools.

39. The Committee recommends that further measures, including the enactment of a law, be taken to implement the provisions of article 32 of the Convention, including in relation to the minimum age for employment. Efforts should be undertaken to prevent and combat economic exploitation or any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to the conditions of children working with their families, in order to protect them. The Committee recommends that the State party envisage seeking technical assistance from, inter alia, UNICEF in this area.

40. The Committee recommends that the State party strengthen its efforts to prevent and combat drug and substance abuse among children, and take all appropriate measures including public information campaigns in the schools and elsewhere. It also encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, the World Health Organization.

41. In the field of administration of juvenile justice, in particular with respect to the minimum age of criminal responsibility and special procedures for juvenile offenders, the Committee recommends that legal reform take fully into account the Convention on the Rights of the Child, in particular articles 37, 40 and 39, as well as other relevant standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee also recommends that the State party consider seeking the technical assistance of, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

42. The Committee encourages the State party to disseminate widely the State party's report, the summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report.